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8 Attorneys for Complainant

9  
10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Petition to  
Revoke Probation Against:

13 RONALD EDWARD MILUM  
14 4565 Lyon Avenue  
Riverside, CA 92505

15 Registered Nurse License No. 483186

16 Respondent.

Case No. 2004-104

OAH No. L2007050795

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

17  
18 **FINDINGS OF FACT**

19 1. On or about December 27, 2006, Complainant Ruth Ann Terry, M.P.H.,  
20 R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing,  
21 Department of Consumer Affairs, filed Petition to Revoke Probation Case No. 2004-104 against  
22 Ronald Edward Milum (Respondent) before the Board of Registered Nursing.

23 2. On or about August 31, 1992, the Board of Registered Nursing (Board)  
24 issued Registered Nurse License No. 483186 to Respondent. The Registered Nurse License was  
25 in full force and effect at all times relevant to the charges brought herein and will expire on April  
26 30, 2008, unless renewed.

27 3. On or about December 27, 2006, Renee Stein, an employee of the  
28 Department of Justice, served by Certified and First Class Mail a copy of the Petition to Revoke

1 Probation Case No. 2004-104, to Respondent's address of record with the Board, Ronald Edward  
2 Milum, 107 Colombo Lane, Tustin, CA 92780. A copy of the Petition to Revoke Probation, the  
3 related documents, and Declaration of Service are attached as Exhibit A, and are incorporated  
4 herein by reference.

5 4. Service of the Petition to Revoke Probation was effective as a matter of  
6 law under the provisions of Government Code section 11505, subdivision (c).

7 5. On or about January 8, 2007, Respondent signed and returned a Notice of  
8 Defense, requesting a hearing in this matter.

9 6. On August 6, 2007, a Notice of Hearing was served by both first class and  
10 certified mail at Respondent's address of record with the Board, 107 Colombo Lane, Tustin, CA  
11 92780. The Notice of Hearing informed Respondent that an administrative hearing in this matter  
12 was scheduled for October 17, 2007. On August 30, 2007, the Notice of Hearing was again  
13 served by both first class and certified mail to Respondent at 2524 W. Greenacre Avenue,  
14 Anaheim, CA 92801. On October 5, 2007, Respondent called Deputy Attorney General Karen  
15 Gordon and gave another address for the mailing of the Notice of Hearing of 4565 Lyon Avenue,  
16 Riverside, CA 92505. On October 10, 2007, the Notice of Hearing was again served by both first  
17 class and certified mail to Respondent at 4565 Lyon Avenue, Riverside, CA 92505. Respondent  
18 failed to appear at the hearing on October 17, 2007. A copy of Respondent's Notice of Defense,  
19 the Notice of Hearing, and three Declarations of Service are attached hereto as Exhibit B, and are  
20 incorporated herein by reference.

21 6. Government Code section 11506 states, in pertinent part:

22 "(c) The respondent shall be entitled to a hearing on the merits if the respondent  
23 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the  
24 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
25 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

26 7. California Government Code section 11520 states, in pertinent part:

27 "(a) If the respondent either fails to file a notice of defense or to appear at the  
28 hearing, the agency may take action based upon the respondent's express admissions or

1 upon other evidence and affidavits may be used as evidence without any notice to  
2 respondent."

3 8. Pursuant to its authority under Government Code section 11520, the Board  
4 finds Respondent is in default. The Board will take action without further hearing and, based on  
5 Respondent's express admissions by way of default and the evidence before it, contained in  
6 Exhibits A and B, finds that the allegations in Petition to Revoke Probation No. 2004-104 are  
7 true.

8 9. The total costs for investigation and enforcement are \$5,826.50 as of  
9 October 17, 2007.

10 DETERMINATION OF ISSUES

11 1. Based on the foregoing findings of fact, Respondent Ronald Edward  
12 Milum has subjected his Registered Nurse License No. 483186 to discipline.

13 2. A copy of the Petition to Revoke Probation and the related documents and  
14 Declarations of Service are attached.

15 3. The agency has jurisdiction to adjudicate this case by default.

16 4. The Board of Registered Nursing is authorized to revoke Respondent's  
17 Registered Nurse License based upon the following violations alleged in the Petition to Revoke  
18 Probation:

19 Respondent violated seven terms and conditions of his probation which went into  
20 effect on June 19, 2004 as a result of the Decision in Accusation Case No. 2004-104.

21 1) Respondent violated condition one (report any and all violations of law  
22 within 72 hours of occurrence) when he failed to report his arrests on September 9, 2006 for a  
23 violation of Penal Code section 273.5 (willful infliction of corporal injury upon a spouse or  
24 cohabitant) and on October 17, 2006 for a violation of Penal Code section 422 (willfully  
25 threatening crime with the intent to terrorize.)

26 2) Respondent violated condition two (fully comply with the conditions of  
27 the Probation Program established by the Board and cooperate with representatives of the Board  
28 in its monitoring and investigation of the Respondent's compliance with the Board's Probation

1 Program.) Respondent failed to obtain prior approval to work for Elite Nursing Services.  
2 Respondent also worked unapproved shifts between June 19, 2004 and September 19, 2004.  
3 Respondent failed to notify the Board in writing about his suspensions on September 22, 2005  
4 and December 29, 2005 and his termination on January 3, 2006 from Chapman Medical Center.

5 3) Respondent violated condition seven (obtain prior work approval, work  
6 approved shifts, and notify the Board of suspensions and termination from work.) Respondent  
7 failed to obtain prior approval to work for Elite Nursing Services. Respondent also worked  
8 unapproved shifts between June 19, 2004 and September 19, 2004. Respondent failed to notify  
9 the Board in writing about his suspensions on September 22, 2005 and December 29, 2005 and  
10 his termination on January 3, 2006 from Chapman Medical Center for failure to comply with  
11 hospital policy when he refused to go to the clinic and be tested for alcohol because the nursing  
12 staff was concerned about Respondent smelling like alcohol at work.

13 4) Respondent violated condition nine (obtain prior work approval) when he  
14 failed to obtain permission from the Board to work for Elite Nursing services from June 19, 2004  
15 to September 19, 2004.

16 5) Respondent violated condition ten (complete course work) when he failed  
17 to complete a course entitled Stress Management by the assigned date of October 31, 2005,  
18 failed to complete a course entitled Anger Management by the assigned date of October 31, 2005,  
19 and failed to complete a course entitled Legal Aspect by the assigned date of December 31,  
20 2005.

21 6) Respondent violated condition eleven (reimburse the Board for  
22 investigation and enforcement costs) when he failed to pay costs in the amount of \$2,305.50.  
23 Respondent's last payment was made on September 8, 2005. Respondent still owes a balance of  
24 \$2,000.00.

25 7) Respondent violated condition fourteen (participate in a therapy and  
26 counseling program) when he failed to participate in a therapy and counseling program.

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1 ORDER

2 IT IS SO ORDERED that Registered Nurse License No. 483186 heretofore issued  
3 to Respondent Ronald Edward Milum, is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may  
5 serve a written motion requesting that the Decision be vacated and stating the grounds relied on  
6 within seven (7) days after service of the Decision on Respondent. The agency in its discretion  
7 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the  
8 statute.

9 This Decision shall become effective on 2/2/08.

10 It is so ORDERED 1/3/08

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12   
13 FOR THE BOARD OF REGISTERED NURSING  
14 DEPARTMENT OF CONSUMER AFFAIRS

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19 Milum.Default.wpd  
20 DOJ docket number:SD2006800785

21 Attachments:

- 22 Exhibit A: Petition to Revoke Probation No.2004-104, Related Documents, and Declaration  
23 of Service  
24 Exhibit B: Notice of Defense, Notice of Hearing, and three Declarations of Service  
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**Exhibit A**

**Petition to Revoke Probation No. 2004-104,  
Related Documents and Declaration of Service**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 MARGARET LAFKO,  
Supervising Deputy Attorney General  
3 KAREN L. GORDON, State Bar No. 137969  
Deputy Attorney General  
4 California Department of Justice  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
6 P.O. Box 85266  
San Diego, CA 92186-5266  
7 Telephone: (619) 645-2073  
Facsimile: (619) 645-2061  
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9 Attorneys for Complainant

10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Petition to Revoke Probation  
13 Against:

Case No. 2004-104

14 RONALD EDWARD MILUM  
107 Colombo Lane  
15 Tustin, CA 92780

**PETITION TO REVOKE  
PROBATION**

16 Registered Nurse License No. 483186

17 Respondent.  
18

19  
20 Complainant alleges:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Petition to  
23 Revoke Probation solely in her official capacity as the Executive Officer of the Board of  
24 Registered Nursing, Department of Consumer Affairs.

25 2. On or about August 31, 1992, the Board of Registered Nursing issued  
26 Registered Nurse License Number 483186 to Ronald Edward Milum (Respondent). The license  
27 will expire on April 30, 2008, unless otherwise renewed.

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3. In a disciplinary action entitled "In the Matter of Accusation Against Ronald Edward Milum," Case No. 2004-104, the Board of Registered Nursing, issued a decision, effective June 19, 2004, in which Respondent's Registered Nurse License was revoked. However, the revocation was stayed and Respondent's license was placed on probation for a period of three (3) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

## JURISDICTION

4. This Petition to Revoke Probation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2759 Code states:

“The board shall discipline the holder of any license, whose default has been entered or who has been heard by the board and found guilty, by any of the following methods:

- (a) Suspending judgment.
- (b) Placing him upon probation.
- (c) Suspending his right to practice nursing for a period not exceeding one year,
- (d) Revoking his license.
- (e) Taking such other action in relation to disciplining him as the board in its discretion may deem proper.”

7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the licensee.



1                   8.       Section 273.5 of the Penal Code states, in pertinent part:

2                   “(a)   Any person who willfully inflicts upon a person who is his or her spouse,  
3 former spouse, cohabitant, former cohabitant, or the mother or father of his or her child, corporal  
4 injury resulting in a traumatic condition, is guilty of a felony, and upon conviction thereof shall  
5 be punished by imprisonment, in the state prison for two, three, or four years, or in a county jail  
6 for not more than one year, or by a fine of up to six thousand dollars (\$6,000) or by both that fine  
7 and imprisonment.”

8                   9.       Section 422 of the Penal Code states, in pertinent part:

9                   “Any person who willfully threatens to commit a crime which will result in death  
10 or great bodily injury to another person, with the specific intent that the statement, made verbally,  
11 in writing, or by means of an electronic communication device, is to be taken as a threat, even if  
12 there is no intent of actually carrying it out, which on its face and under the circumstances in  
13 which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the  
14 person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and  
15 thereby causes that person reasonably to be in sustained fear for his or her own safety or for his  
16 or her immediate family’s safety, shall be punished by imprisonment in the county jail not to  
17 exceed one year, or by imprisonment in the state prison.”

18                                   **FIRST CAUSE TO REVOKE PROBATION**

19                                   **(Violated Condition One (1) of Terms of Probation -**  
20                                   **by Failing to Report Arrests Within Seventy-Two (72) Hours)**

21                   10.       Condition One (1) of Respondent’s probation required Respondent to  
22 comply with the Board’s Probation program as follows:

23                                   “1.       Respondent shall obey all federal, state and local laws. A full and  
24 detailed account of any and all violations of law shall be reported by Respondent to the Board in  
25 writing within seventy-two (72) hours of occurrence.”

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1           11.     Respondent's probation is subject to revocation because he failed to  
2 comply with Probation Condition 1, referenced above. The facts and circumstances regarding  
3 this violation are as follows:

4           A.     Respondent failed to fully comply with the terms and conditions of  
5 his probation by failing to notify the Board in writing within seventy-two (72) hours of  
6 his arrest on October 17, 2006 for a violation of Penal Code section 422 (willfully  
7 threatening crime with the intent to terrorize.)

8           B.     Respondent failed to fully comply with the terms and conditions of  
9 his probation by failing to notify the Board in writing within seventy-two (72) hours of  
10 his arrest on September 9, 2006 for a violation of Penal Code section 273.5 (willful  
11 infliction of corporal injury upon a spouse or cohabitant.)

12                   **SECOND CAUSE TO REVOKE PROBATION**

13                   **(Violated Condition Two (2) of Terms of Probation -**  
14                   **by Failing to Comply with Board's Probation Program)**

15           12.     Condition Two (2) of Respondent's probation required Respondent to  
16 comply with the Board's Probation program as follows:

17                   "2.     Respondent shall fully comply with the conditions of the Probation  
18 Program established by the Board and cooperate with representatives of the Board in its  
19 monitoring and investigation of the Respondent's compliance with the Board's Probation  
20 Program."

21           13.     Respondent's probation is subject to revocation because he failed to  
22 comply with Probation Condition 2, referenced above. The facts and circumstances regarding  
23 this violation are as follows:

24           A.     Respondent failed to fully comply with the terms and conditions of  
25 his probation by failing to cooperate with representatives of the Board in a timely manner  
26 and failing to comply with the requirements of his terms and conditions of probation.  
27 Respondent failed to obtain prior approval to work for Elite Nursing Services.  
28 Respondent also worked unapproved shifts between June 19, 2004 and September 19,

1 2004. Respondent failed to notify the Board in writing about his suspensions on  
2 September 22, 2005 and December 29, 2005 and his termination on January 3, 2006 from  
3 Chapman Medical Center.

4 **THIRD CAUSE TO REVOKE PROBATION**

5 **(Violated Condition Seven (7) of Terms of Probation -**  
6 **Failed to Obtain Prior Work Approval, Worked Unapproved Shifts,**  
7 **and Failed to Notify the Board of Suspensions and Termination.)**

8 14. Condition Seven (7) of Respondent's probation required Respondent to  
9 comply with the Board's Probation program as follows:

10 "7. Respondent shall obtain prior approval from the Board before  
11 commencing or continuing any employment, paid or voluntary, as a registered  
12 nurse. Respondent shall cause to be submitted to the Board all performance  
13 evaluations and other employment related reports as a registered nurse upon  
14 request of the Board.

15 Respondent shall provide a copy of this Decision to his employer and  
16 immediate supervisors prior to commencement of any nursing or other health care  
17 related employment.

18 In addition to the above, Respondent shall notify the Board in writing  
19 within seventy-two (72) hours after he obtains any nursing or other health care  
20 related employment. Respondent shall notify the Board in writing within seventy-  
21 two (72) hours after he is terminated or separated, regardless of cause, from any  
22 nursing, or other health care related employment with a full explanation of the  
23 circumstances surrounding the termination or separation."

24 15. Respondent's probation is subject to revocation because he failed to  
25 comply with Probation Condition 7, referenced above. The facts and circumstances regarding  
26 this violation are as follows:

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1           A.     Respondent failed to obtain prior approval to work for Elite  
2     Nursing Services. Respondent also worked unapproved shifts between June 19, 2004 and  
3     September 19, 2004. Respondent failed to notify the Board in writing about his  
4     suspensions on September 22, 2005 and December 29, 2005 and his termination on  
5     January 3, 2006 from Chapman Medical Center.

6           B.     The following occurred at Chapman Medical Center: On  
7     September 22, 2005, Respondent was placed on mandatory management referral to the  
8     Employee Assistance Program (EAP) for reasonable suspicion of excess use of alcohol.  
9     Respondent was suspended from working until he completed the EAP. On September 26,  
10    2005, Respondent received verbal counseling regarding excessive absenteeism. On  
11    October 17, 2005, Respondent signed Chapman Medical Center's Drug/Alcohol Problem  
12    Acknowledgment and Rehabilitation form and therefore, acknowledged that the hospital  
13    can do random testing for 24 months and that any further incidents would result in  
14    termination of employment. On October 20, 2005, Respondent returned to work from  
15    suspension. On December 29, 2005, Respondent was asked by the Director of Nursing at  
16    Chapman Medical Center to go to the clinic and be tested for alcohol because the nursing  
17    staff was concerned about Respondent smelling like alcohol. Respondent refused to go to  
18    the clinic and be tested. The CNO, Director of Nursing, and Human Resource staff met  
19    with Respondent and explained that he signed the Acknowledgment form where he was  
20    notified that the Hospital could conduct random testing. Respondent was placed on  
21    suspension for refusal to comply with the policy and informed that his refusal could be  
22    grounds for termination. On January 3, 2006, Respondent's employment was terminated  
23    for failure to comply with hospital policy.

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1 **FORTH CAUSE TO REVOKE PROBATION**

2 **(Violated Condition Nine (9) of Terms of Probation -**  
3 **Failed to Obtain Work Approval.)**

4 16. Condition Nine (9) of Respondent's probation required Respondent to  
5 comply with the Board's Probation program as follows:

6 "9. Respondent shall not work for a nurse's registry, in any private  
7 duty position as a registered nurse, a temporary nurse placement agency, a traveling  
8 nurse, or for an in-house nursing pool without the prior permission of the Board. If  
9 permission to work in a registry has been granted, Respondent shall only work at one  
10 registry and at one facility on a long-term basis. Respondent shall not change his  
11 employment from said registry or facility without the permission of the Board.

12 Respondent shall not work for a licensed home health agency as a visiting  
13 nurse unless the registered nursing supervision and other protections for home visits have  
14 been approved by the Board. Respondent shall not work in any other registered nursing  
15 occupation where home visits are required.

16 Respondent shall not work in any health care setting as a supervisor of  
17 registered nurses. The Board may additionally restrict Respondent from supervising  
18 licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

19 Respondent shall not work as a faculty member in an approved school of  
20 nursing or as an instructor in a Board approved continuing education program.

21 Respondent shall work only on a regularly assigned identified and  
22 predetermined worksite(s) and shall not work in a float capacity.

23 If Respondent is working or intends to work in excess of 40 hours per  
24 week, the Board may request documentation to determine whether there should be  
25 restrictions on the hours of work."

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1           17.     Respondent's probation is subject to revocation because he failed to  
2 comply with Probation Condition 9, referenced above. The facts and circumstances regarding  
3 this violation are as follows:

4                   A.     Respondent failed to obtain permission from the Board to work for  
5 Elite Nursing services from June 19, 2004 to September 19, 2004.

6                               **FIFTH CAUSE TO REVOKE PROBATION**

7                               **(Violated Condition Ten (10) of Terms of Probation -**  
8                               **Failed to Complete Course Work.)**

9           18.     Condition Ten (10) of Respondent's probation required Respondent to  
10 comply with the Board's Probation program as follows:

11                   "10.   Respondent, at his own expense, shall enroll and successfully  
12 complete a course(s) relevant to the practice of registered nursing no later than six months  
13 prior to the end of his probationary term.

14                   Respondent shall obtain prior approval from the Board before enrolling in  
15 the course(s). Respondent shall submit to the Board the original transcripts or certificates  
16 of completion for the above required course(s). The Board shall return the original  
17 documents to Respondent after photocopying them for its records."

18           19.     Respondent's probation is subject to revocation because he failed to  
19 comply with Probation Condition 10, referenced above. The facts and circumstances regarding  
20 this violation are as follows:

21                   A.     Respondent failed to complete a course entitled Stress  
22 Management by the assigned date of October 31, 2005.

23                   B.     Respondent failed to complete a course entitled Anger  
24 Management by the assigned date of October 31, 2005.

25                   C.     Respondent failed to complete a course entitled Legal Aspect  
26 by the assigned date of December 31, 2005.

27     ///

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1                                    **SIXTH CAUSE TO REVOKE PROBATION**

2                                    **(Violated Condition Eleven (11) of Terms of Probation -**  
3                                    **Cost Recovery.)**

4                                    20.      Condition Eleven (11) of Respondent's probation required Respondent to  
5 comply with the Board's Probation program as follows:

6                                    "11.      Respondent shall pay to the Board costs associated with its  
7 investigation and enforcement pursuant to Business and Professions Code section 125.3  
8 in the amount of \$2,305.50. Respondent shall be permitted to pay these costs in a  
9 payment plan approved by the Board, with payments to be completed no later than three  
10 months prior to the end of the probation term.

11                                   If Respondent has not complied with this condition during the  
12 probationary term, and Respondent has presented sufficient documentation of his good  
13 faith efforts to comply with this condition, and if no other conditions have been violated,  
14 the Board, in its discretion, may grant an extension of Respondent's probation period up  
15 to one year without further hearing in order to comply with this condition. During the  
16 one year extension, all original conditions of probation will apply."

17                                   21.      Respondent's probation is subject to revocation because he failed to  
18 comply with Probation Condition 11, referenced above. The facts and circumstances regarding  
19 this violation are as follows:

20                                   A.      Respondent failed to pay costs of \$2,305.50. The Board sent  
21 Respondent a payment plan in May of 2005. Respondent's last payment was made on  
22 September 8, 2005. Respondent still owes a balance of \$2,000.00.

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1                                   **SEVENTH CAUSE TO REVOKE PROBATION**

2                                   **(Violated Condition Fourteen (14) of Terms of Probation -**  
3                                   **Failed to Participate in a Therapy and Counseling Program.)**

4                                   22.     Condition Fourteen (14) of Respondent's probation required Respondent  
5 to comply with the Board's Probation program as follows:

6                                         "14.     Respondent, at his expense, shall participate in an on-going  
7                                         counseling program until such time as the Board releases him from this requirement and  
8                                         only upon the recommendation of the counselor. Written progress reports from the  
9                                         counselor will be required at various intervals."

10                                   23.     Respondent's probation is subject to revocation because he failed to  
11 comply with Probation Condition 14, referenced above. The facts and circumstances regarding  
12 this violation are as follows:

13                                         Respondent failed to participate in a therapy and counseling program.

14  
15                                                                                   **PRAYER**

16                                   WHEREFORE, Complainant requests that a hearing be held on the matters herein  
17 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

18                                         1.     Revoking the probation that was granted by the Board of Registered  
19 Nursing in Case No. 2004-104 and imposing the disciplinary order that was stayed thereby  
20 revoking Registered Nurse License No. 483186 issued to Ronald Edward Milum;

21                                         2.     Revoking or suspending Registered Nurse License No. 483186, issued to  
22 Ronald Edward Milum;

23                                         3.     Ordering Ronald Edward Milum to pay the reasonable costs incurred by  
24 the Board in the investigation and enforcement of this case pursuant to Code section 125.3; and,

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4. Taking such other and further action as deemed necessary and proper.

DATED: 12-27-06

Karen Gordon for  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

SD2006800785  
Milum.Petition to Revoke Probation.wpd

**Exhibit A**

**Decision and Order**

**Board of Registered Nursing Case No. 2004-104**

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2004-104

RONALD EDWARD MILUM  
107 Colombo Lane  
Tustin, CA 92780

Registered Nurse License No. 483186

Respondent

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on June 19, 2004.

IT IS SO ORDERED May 20, 2004.

Sandra L. Brickner, CRNA  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General  
of the State of California  
2 MARGARET A. LAFKO, State Bar No. 105921  
Supervising Deputy Attorney General  
3 Attorneys for Complainant

4 KEVIN M. GEOGHEGAN,  
Senior Legal Analyst  
5 California Department of Justice  
110 West "A" Street, Suite 1100  
6 P.O. Box 85266  
San Diego, CA 92186-5266  
7 Telephone: (619) 645-3033  
8 Facsimile: (619) 645-2061

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10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**  
12

13 In the Matter of the Accusation Against:

14 RONALD EDWARD MILUM  
107 Colombo Lane  
15 Tustin, CA 92780

16 Registered Nursing License No. 483186

17 Respondent.  
18

Case No. 2004-104

OAH No. L-2004010050

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
20 above-entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of  
23 the Board of Registered Nursing. Complainant brought this action solely in her official capacity  
24 and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by  
25 Margaret A. Lafko, Supervising Deputy Attorney General.

26 2. Respondent Ronald Edward Milum (Respondent) is representing himself  
27 in this proceeding and has chosen not to exercise his right to be represented by counsel.  
28 ///

3. On or about August 31, 1992, the Board of Registered Nursing issued Registered Nursing License No. 483186 to Respondent. The license will expire on April 30, 2004, unless otherwise renewed.

## JURISDICTION

4. Accusation No. 2004-104 was filed before the Board November 12, 2003, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 25, 2003. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2004-104 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2004-104. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2004-104.

9. Respondent agrees that his Registered Nursing License is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

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1 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
2 and enforceable to the fullest extent permitted by law.

3           1.       **Obey All Laws.** Respondent shall obey all federal, state and local laws.  
4 A full and detailed account of any and all violations of law shall be reported by Respondent to  
5 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
6 compliance with this condition, Respondent shall submit completed fingerprint forms and  
7 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
8 as part of the licensure application process.

9           **Criminal Court Orders:** If Respondent is under criminal court orders, including  
10 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
11 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

12           2.       **Comply with the Board's Probation Program.** Respondent shall fully  
13 comply with the conditions of the Probation Program established by the Board and cooperate  
14 with representatives of the Board in its monitoring and investigation of the Respondent's  
15 compliance with the Board's Probation Program. Respondent shall inform the Board in writing  
16 within no more than 15 days of any address change and shall at all times maintain an active,  
17 current license status with the Board, including during any period of suspension.

18           Upon successful completion of probation, Respondent's license shall be fully  
19 restored.

20           3.       **Report in Person.** Respondent, during the period of probation, shall  
21 appear in person at interviews/meetings as directed by the Board or its designated  
22 representatives.

23           4.       **Residency, Practice, or Licensure Outside of State.** Periods of  
24 residency or practice as a registered nurse outside of California shall not apply toward a reduction  
25 of this probation time period. Respondent's probation is tolled, if and when he resides outside of  
26 California. Respondent must provide written notice to the Board within 15 days of any change of  
27 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
28 returning to practice in this state.

1           Respondent shall provide a list of all states and territories where he has ever been  
2 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further  
3 provide information regarding the status of each license and any changes in such license status  
4 during the term of probation. Respondent shall inform the Board if he applies for or obtains a  
5 new nursing license during the term of probation.

6           **5. Submit Written Reports.** Respondent, during the period of probation,  
7 shall submit or cause to be submitted such written reports/declarations and verification of actions  
8 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
9 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
10 Program. Respondent shall immediately execute all release of information forms as may be  
11 required by the Board or its representatives.

12           Respondent shall provide a copy of this Decision to the nursing regulatory agency  
13 in every state and territory in which he has a registered nurse license.

14           **6. Function as a Registered Nurse.** Respondent, during the period of  
15 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
16 hours per week for 6 consecutive months or as determined by the Board.

17           For purposes of compliance with the section, "engage in the practice of registered  
18 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
19 work in any non-direct patient care position that requires licensure as a registered nurse.

20           The Board may require that advanced practice nurses engage in advanced practice  
21 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the  
22 Board.

23           If Respondent has not complied with this condition during the probationary term,  
24 and Respondent has presented sufficient documentation of his good faith efforts to comply with  
25 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
26 grant an extension of Respondent's probation period up to one year without further hearing in  
27 order to comply with this condition. During the one year extension, all original conditions of  
28 probation shall apply.



1                   7.     **Employment Approval and Reporting Requirements.** Respondent  
2 shall obtain prior approval from the Board before commencing or continuing any employment,  
3 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
4 performance evaluations and other employment related reports as a registered nurse upon request  
5 of the Board.

6                   Respondent shall provide a copy of this Decision to his employer and immediate  
7 supervisors prior to commencement of any nursing or other health care related employment.

8                   In addition to the above, Respondent shall notify the Board in writing within  
9 seventy-two (72) hours after he obtains any nursing or other health care related employment.  
10 Respondent shall notify the Board in writing within seventy-two (72) hours after he is terminated  
11 or separated, regardless of cause, from any nursing, or other health care related employment with  
12 a full explanation of the circumstances surrounding the termination or separation.

13                  8.     **Supervision.** Respondent shall obtain prior approval from the Board  
14 regarding Respondent's level of supervision and/or collaboration before commencing or  
15 continuing any employment as a registered nurse, or education and training that includes patient  
16 care.

17                  Respondent shall practice only under the direct supervision of a registered nurse  
18 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative  
19 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)  
20 are approved.

21                  Respondent's level of supervision and/or collaboration may include, but is not  
22 limited to the following:

23                  (a)   Maximum - The individual providing supervision and/or collaboration is  
24 present in the patient care area or in any other work setting at all times.

25                  (b)   Moderate - The individual providing supervision and/or collaboration is in  
26 the patient care unit or in any other work setting at least half the hours Respondent works.

27                  (c)   Minimum - The individual providing supervision and/or collaboration has  
28 person-to-person communication with Respondent at least twice during each shift worked.

1 (d) Home Health Care - If Respondent is approved to work in the home health  
2 care setting, the individual providing supervision and/or collaboration shall have person-to-  
3 person communication with Respondent as required by the Board each work day. Respondent  
4 shall maintain telephone or other telecommunication contact with the individual providing  
5 supervision and/or collaboration as required by the Board during each work day. The individual  
6 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-  
7 site visits to patients' homes visited by Respondent with or without Respondent present.

8 9. **Employment Limitations.** Respondent shall not work for a nurse's  
9 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a  
10 traveling nurse, or for an in-house nursing pool without the prior permission of the Board. If  
11 permission to work in a registry has been granted, Respondent shall only work at one registry and  
12 at one facility on a long-term basis. Respondent shall not change his employment from said  
13 registry or facility without the permission of the Board.

14 Respondent shall not work for a licensed home health agency as a visiting nurse  
15 unless the registered nursing supervision and other protections for home visits have been  
16 approved by the Board. Respondent shall not work in any other registered nursing occupation  
17 where home visits are required.

18 Respondent shall not work in any health care setting as a supervisor of registered  
19 nurses. The Board may additionally restrict Respondent from supervising licensed vocational  
20 nurses and/or unlicensed assistive personnel on a case-by-case basis.

21 Respondent shall not work as a faculty member in an approved school of nursing  
22 or as an instructor in a Board approved continuing education program.

23 Respondent shall work only on a regularly assigned, identified and predetermined  
24 worksite(s) and shall not work in a float capacity.

25 If Respondent is working or intends to work in excess of 40 hours per week, the  
26 Board may request documentation to determine whether there should be restrictions on the hours  
27 of work.

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1           10.     **Complete a Nursing Course(s).** Respondent, at his own expense, shall  
2 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later  
3 than six months prior to the end of his probationary term.

4           Respondent shall obtain prior approval from the Board before enrolling in the  
5 course(s). Respondent shall submit to the Board the original transcripts or certificates of  
6 completion for the above required course(s). The Board shall return the original documents to  
7 Respondent after photocopying them for its records.

8           11.     **Cost Recovery.** Respondent shall pay to the Board costs associated with  
9 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
10 amount of \$2,305.50. Respondent shall be permitted to pay these costs in a payment plan  
11 approved by the Board, with payments to be completed no later than three months prior to the  
12 end of the probation term.

13           If Respondent has not complied with this condition during the probationary term,  
14 and Respondent has presented sufficient documentation of his good faith efforts to comply with  
15 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
16 grant an extension of Respondent's probation period up to one year without further hearing in  
17 order to comply with this condition. During the one year extension, all original conditions of  
18 probation will apply.

19           12.     **Violation of Probation.** If Respondent violates the conditions of his  
20 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
21 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's  
22 license.

23           If during the period of probation, an accusation or petition to revoke probation has  
24 been filed against Respondent's license or the Attorney General's Office has been requested to  
25 prepare an accusation or petition to revoke probation against Respondent's license, the  
26 probationary period shall automatically be extended and shall not expire until the accusation or  
27 petition has been acted upon by the Board.

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1                   13.       **License Surrender.** During Respondent's term of probation, if he ceases  
2 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
3 probation, Respondent may surrender his license to the Board. The Board reserves the right to  
4 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
5 take any other action deemed appropriate and reasonable under the circumstances, without  
6 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent  
7 will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

12 (1) Two years for reinstatement of a license that was surrendered for any  
13 reason other than a mental or physical illness; or

14 (2) One year for a license surrendered for a mental or physical illness.

15                    14.     **Therapy or Counseling Program.** Respondent, at his expense, shall  
16 participate in an on-going counseling program until such time as the Board releases him from this  
17 requirement and only upon the recommendation of the counselor. Written progress reports from  
18 the counselor will be required at various intervals.

19 ACCEPTANCE

20 I have carefully read the Stipulated Settlement and Disciplinary Order. I  
21 understand the stipulation and the effect it will have on my Registered Nursing License. I enter  
22 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,  
23 and agree to be bound by the Decision and Order of the Board.

24 DATED: 3-1-04

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*Ronald E. Milum*  
RONALD EDWARD MILUM  
Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 3/9/04

BILL LOCKYER, Attorney General  
of the State of California

  
\_\_\_\_\_  
KEVIN M. GEOGHEGAN  
Senior Legal Analyst

Attorneys for Complainant

DOJ Matter ID: SD2003800361  
80016594.wpd

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of the State of California  
2 RICHARD D. GARSKE, State Bar No. 50569  
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3 Attorneys for Complainant

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San Diego, CA 92186-5266  
7 Telephone: (619) 645-3033  
Facsimile: (619) 645-2061  
8  
9

10 **BEFORE THE**  
11 **BOARD OF REGISTERED NURSING**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2004-104

14 RONALD EDWARD MILUM  
107 Colombo Lane  
15 Tustin, CA 92780

**A C C U S A T I O N**

16 Registered Nursing License No. 483186

17 Respondent.  
18

19 Complainant alleges:

20 **PARTIES**

- 21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
23 Department of Consumer Affairs.
- 24 2. On or about August 31, 1992, the Board of Registered Nursing issued  
25 Registered Nursing License Number 483186 to RONALD EDWARD MILUM (Respondent).  
26 The license will expire on April 30, 2004, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states:  
"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"...  
"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

7. Section 2762 of the Code states:  
"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"...  
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1           "(b) Use any controlled substance as defined in Division 10 (commencing with  
2 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as  
3 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or  
4 injurious to himself or herself, any other person, or the public or to the extent that such use  
5 impairs his or her ability to conduct with safety to the public the practice authorized by his or her  
6 license.

7           "(c) Be convicted of a criminal offense involving the prescription, consumption,  
8 or self-administration of any of the substances described in subdivisions (a) and (b) of this  
9 section, or the possession of, or falsification of a record pertaining to, the substances described in  
10 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
11 thereof.

12           "(d) Be committed or confined by a court of competent jurisdiction for  
13 intemperate use of or addiction to the use of any of the substances described in subdivisions (a)  
14 and (b) of this section, in which event the court order of commitment or confinement is prima  
15 facie evidence of such commitment or confinement."

16           8.       *Section 490 of the Code states:*

17           "A board may suspend or revoke a license on the ground that the licensee has been  
18 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties  
19 of the business or profession for which the license was issued. A conviction within the meaning  
20 of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
21 contendere. Any action which a board is permitted to take following the establishment of a  
22 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
23 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
24 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the  
25 Penal Code."

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1           13.     On or about February 11, 2003, Respondent pled guilty to the above  
2 offense and was sentenced as follows: Imposition of sentence was suspended and Respondent  
3 was placed on 3 years informal probation. The terms of probation include, but are not limited to:  
4 Attendance and completion of a one-year Batterer's Treatment Program, pay \$200.00 Domestic  
5 Violence Fee, pay \$100.00 Restitution Fine, serve 15 days in county jail, and complete 8 hours  
6 community service.

7           14.     Additionally, during pretrial proceedings conducted on October 10, 2002,  
8 Respondent was ordered by the Court to attend and complete a 10-week anger management  
9 program and to attend 30 AA meetings. A protective order was entered in the Domestic  
10 Violence Registry on October 7, 2002, and Respondent was ordered to have no contact with  
11 Linda M.

12                               SECOND CAUSE FOR DISCIPLINE

13                               (Criminal Conviction)

14           15.     Respondent is subject to disciplinary action under sections 490, 493,  
15 2761(f) and 2762 of the Code in that on or about February 11, 2003, in a case entitled *People of*  
16 *the State of California v. Ronald Edward Milum*, Orange County Superior Court Case No.  
17 03CM00954, Respondent was convicted of violating sections 273.5(a) (corporal injury -  
18 cohabitant) and 166(c)(1) (violation of protective order) of the Penal Code. The circumstances  
19 are as follows:

20           16.     On or about February 3, 2003, Respondent willfully and unlawfully, while  
21 under the influence of alcohol, inflicted bodily injury upon Linda M. by hitting her in the head  
22 and strangling her during a domestic dispute while knowingly violating the protective order  
23 entered by the Court in Orange County Superior Court Case No. 02CM03536 on October 7,  
24 2002.

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17. On or about February 11, 2003, Respondent pled guilty to the above offense and was sentenced as follows: Imposition of sentence was suspended and Respondent was placed on 3 years informal probation. The terms of probation include, but are not limited to: Attendance and completion of a one-year Batterer's Treatment Program (to include alcohol component), pay \$200.00 Domestic Violence Fee, pay \$100.00 Restitution Fine, serve 30 days in county jail, complete 8 hours community service, submit to alcohol/drug testing and total abstinence from alcohol and drugs.

18. Additionally, during pretrial proceedings conducted on February 5, 2003, a protective order was entered in the Domestic Violence Registry and Respondent was ordered to have no contact with Linda M. except by an attorney of record.

## PRA YER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nursing License Number 483186,  
issued to RONALD EDWARD MILUM;

2. Ordering RONALD EDWARD MILUM to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 11/12/03

*Ruth Ann Terry*  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant